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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,729	09/28/1999	IN TAE HWANG	CIT/K-090	1898

34610 7590 11/05/2003

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EXAMINER

ODLAND, DAVID E

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/406,729

Applicant(s)

HWANG ET AL.

Examiner

David Odland

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): See continuation sheet.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See continuation sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-13 and 34-62.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
HASSAN KIZOUSUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

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Continuation of part 3: the 35 U.S.C. 112 second paragraph rejection of the following claims: claims 1 and 10, regarding what was meant by 'transport format combination set', claims 8 and 12 regarding what is meant by 'transport block set size', claims 34 and 35 regarding what is meant by 'wireless service', claims 52 regarding what is meant by 'transport format set', claims 61 and 62 regarding 'bearer service type'. Note, all other 35 U.S.C. 112 second paragraph rejections are sustained. Note, the Applicant is thanked for supplying a copy of a 3GPP dictionary reference in the Appendix of the After Final amendment.

Furthermore, the Applicants amendment to the specification has overcome the 35 U.S.C. 112 first paragraph rejection of claims 8 and 12.

Continuation of part 5: On pages 15 through 18 second paragraph, the Applicant contends that the disclosure does adequately describes the invention in such a manner that would enable one of ordinary skill in the art to make and use the claimed invention and cites corresponding segments of the specification which purportedly provide this adequate description. The Examiner respectfully disagrees with all of the recited arguments relating to these rejections. For the sake of not repeating redundant arguments, only a couple of examples of the Examiners disagreements with the Applicant's arguments are discussed as follows. For example, on page 15 first paragraph the Applicant cites the specification on page 7 lines 21-22 as adequately describing how the bearer service combination type is used to decide which bearer service profile type is to be used. However, as pointed out by the Applicant, this section of the specification merely states that a bearer service profile type is decided according to a bearer service combination type that is decided by the AP layer and measured environment. This section of the

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specification does not adequately describe the claimed limitation. Specifically, there is no adequate description of what environment measurements are being taken or how such measurements correspond to the decided bearer service combination type nor is there an adequate description of what processes the AP layer is performing or how these processes are related to the bearer service combination type decision. Another example regards the discussion on page 16, second paragraph, wherein the Applicant cites the specification on page 8 lines 22-24 as supposedly adequately describing how the transport format indicator is used to configure the dynamic part and semi-static part. However, as pointed out by the Applicant, this section of the specification merely states setting attributes of a dynamic part and semi-static part of the selected transport formats. Thus, this section of the specification does not adequately describe the claimed limitation. Specifically, not only does the specification not adequately describe how the transport format indicator is used in configuring these settings but this section of the specification does not even mention the transport format indicator.

Note, if the Applicant feels an interview would advance the prosecution of this case, the Applicant is invited to contact the Examiner at 703-305-3231.